SIGNED.

Dated: June 20, 2005

RANDOLPH J. HAINES
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

In re HATTIE E. WESLEY, Debtor. GENERAL MOTORS ACCEPTANCE CORPORATION, Movant, v. HATTIE E. WESLEY, Debtor; and RUSSELL A. BROWN, as Chapter 13 Trustee, Respondents.	Chapter 13 CASE NO. 2-04-17122-RJH MEMORANDUM DECISION ON VEHICLE VALUATION

The Court has carefully reviewed the declarations and attached exhibits that were received in evidence at the evidentiary hearing on valuation.

As to the date of valuation, at least in the case, the Court will follow Judge Hollowell's decision in *Marquez*[1] and value the vehicle as of the petition date. The Court will utilize the date of the petition commencing this pending case, rather than the date of the petition commencing a prior Chapter 13 case as GMAC urges, because depreciation from the prior case should have been covered by adequate protection payments in that case.

The parties could not adequately explain the differences between the Kelly Blue

[1] *In re Marquez*, 270 B.R. 761, 767-68 (Bankr. D. Ariz. 2001). *But see Liberty Nat'l Ent. v. Ambanc La Mesa, Ltd. Partnership*, 115 F.3d 650 (9th Cir. 1997).

Book numbers they arrived at. The Court will adopt those derived from the hard copy Blue Book that is available in public libraries as the more reliable, for two reasons. First, because those figures are generally available to the public, they should be more reflective of and more determinative of the market then are some Blue Book numbers that are available only to dealers and financiers. Second, the Karpower figures lack credibility in reporting a retail value for a one year old used vehicle to be almost a thousand dollars more than was paid for it the prior year, when new.

Using the hard copy Kelly Blue Book figures for September-October, 2004, the Court finds and concludes that the value of the vehicle should be the midpoint between wholesale and retail, which is $18,950.

DATED AND SIGNED ABOVE

Copy of the foregoing faxed
this 20th day of June, 2005, to:

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/s/ Pat Denk
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SIGNED